

**REMARKS/ARGUMENTS**

Claims 75-79 are pending.

The independent claims have been amended and are submitted herewith in the instant RCE.

An IDS is submitted herewith for consideration.

In the final Office action mailed June 15, 2005, Kondo (U.S. Pat. No. 6,480,523, priority date March 2, 1999) was cited for disclosing "wherein the same first spreading code is used in each of the transmitters" as recited in claim 1, and similarly recited in the other independent claims. Although those claims have been cancelled, thus making their rejections moot, submitted herewith is a Declaration under 37 C.F.R. Section 1.131 by the inventors, submitting and an internal engineering document (Exhibit A) which shows that Applicants had conceived this aspect of the claims at a time that pre-dates Kondo. In particular, Section 2.7 of Exhibit A states "Many transmitters will use the same CDMA code." Any reference to Kondo is therefore believed to be overcome.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

  
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